

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHRISTOPHER FRISON,

Plaintiff,

v.

UNITED STATES,

Defendant.

Case No.: 3:21-cv-01618-YY

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on July 18, 2024. Judge You recommended that this Court deny plaintiff's Motion Challenging 28 U.S.C. § 2679(d) Scope of Employment Certification, ECF [44]. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). When a magistrate judge issues a findings and recommendation related to a dispositive motion and a party files objections, "the court shall make a de novo determination of those portions of the report." *Id.* However, if the magistrate judge's findings and recommendation are related to a non-dispositive matter and a party files objections, the district judge may reject the determinations *only* if the magistrate judge's order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). If no objections are filed, then no standard of review applies, but further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS

Judge You's Findings and Recommendation, ECF [47]. Plaintiff's Motion Challenging 28 U.S.C. § 2679(d) Scope of Employment Certification is DENIED.

IT IS SO ORDERED.

DATED this 2nd day of August, 2024.

A handwritten signature in blue ink that reads "Adrienne Nelson". The signature is written in a cursive style with a horizontal line underneath the name.

Adrienne Nelson
United States District Judge